

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HENRY UNSELD WASHINGTON,)	
)	Civil Action No. 3:17-cv-00070
Plaintiff,)	
)	Judge Kim R. Gibson /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
JONATHAN BARNHART, DR.)	
ROBINSON, RICHARD IRWIN, MARK)	<u>ECF No. 131, ECF No. 165</u>
MAYLE, DR. HUTCHINSON, J.)	
STRAMAT, ANGELA JOHNSTON,)	
ROXANNE PLAYSO, BRIAN P. HYDE,)	
TESA ADELEKAN, B. COSTEA, LT.)	
CINKO, J. R. MCDONNELL, M. J.)	
FOSTER, K. TURNER, WILLIAM)	
BOWERS, PHILLIP MAUST, HEIDI)	
SROKA, ROBERT SNYDER, R.)	
PESCHOCK, J. GIRONE, and ELLIS)	
KAUFFMAN,)	
)	
Defendants.)	

ORDER ON ADDITIONAL MEDICAL DEFENDANTS' MOTION TO DISMISS

Plaintiff initiated this action on April 28, 2017. Complaint (ECF No. 1.) The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 180), filed on April 20, 2020, recommended that the Additional Medical Defendants' Motions to Dismiss Plaintiff's Amended Complaint – filed by Defendants Mark Mayle, M.D. and Richard Irwin, M.D. at ECF No. 165 and ECF No. 131, respectively - be granted in part

and denied in part. More specifically, it recommended that the Motions be (1) granted with prejudice as they relate to Plaintiff's First Amendment free exercise of religion claim, and (2) denied as they relate to all other claims. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, they had fourteen (14) days to file any objections, and that unregistered ECF users were given an additional three (3) days pursuant to Federal Rule of Civil Procedure 6(d). No objections have been filed.

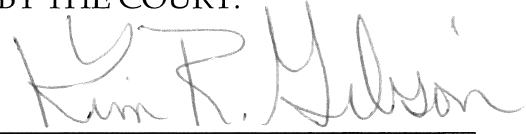
After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 12th day of May, 2020,

IT IS HEREBY ORDERED that the Additional Medical Defendants' Motions to Dismiss Plaintiff's Amended Complaint are (1) **GRANTED** with prejudice as they relate to Plaintiff's First Amendment free exercise of religion claim, and (2) **DENIED** as they relate to all other claims.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 180) of Magistrate Judge Lenihan, dated April 20, 2020, is adopted as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: Henry Unseld Washington
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1600 Walters Mill Rd
Somerset, PA 15510
Via First Class U.S. Mail

Counsel for Defendants
Via Electronic Mail